UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

✦

CONSTITUTION AND BYLAWS

OF THE

CROW CREEK SIOUX TRIBE OF FORT THOMPSON SOUTH DAKOTA

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APPROVED APRIL 26, 1949

Amendments I, II and III
approved 6-21-61

Amendments IV and V
approved 2-25-63

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1957

CONSTITUTION AND BY-LAWS

OF THE

CROW CREEK SIOUX TRIBE OF FORT THOMPSON, SOUTH DAKOTA

PREAMBLE

We, the Crow Creek Sioux Tribe of the Crow Creek Reservation, grateful to Almightly God for our freedom, in order to secure its blessings, to establish a more perfect tribal organization, to develop better school facilities, to conserve and develop our common resources, to establish a credit system and to promote the welfare of ourselves and our descendants, hereby ordain and establish this Constitution.

ARTICLE I—TERRITORY

The jurisdiction of the Crow Creek Sioux Tribe shall extend to the territory within the original confines of the diminished reservation boundaries, which are described by the Act of March 2, 1889 (25 Stat. L. 888), and including trust allotments without the herein mentioned boundaries and such other lands as may be hereafter added thereto under any law of the United States, except as otherwise provided by law.

ARTICLE II—MEMBERSHIP

See Amendment VI

SECTION 1. All persons of Indian blood whose names appear on the official census roll of the Crow Creek Reservation as of July 1, 1948, shall be members of the Tribe, Provided, that the Tribal Council shall have power to revise said roll, with the approval of the Secretary of the Interior or his authorized representative, at any time within five years from the date of the approval of this Constitution.

SEC. 2. (a) Any child, of one-fourth (¼) or more Indian blood born to any member of the Tribe who at the birth of such child resided on the reservation shall be entitled to membership.

(b) Any child of one-half (½) or more Indian blood born to any member shall be entitled to membership regardless of his parents' residence.

(c) Any person of Indian blood who is a descendant of any member may be admitted to membership by a majority vote of the Tribal Council.

Repealed by Amendment I approved 6-21-61

(d) Applications for membership shall be submitted by the applicant or his parent or guardian to a Committee on Membership, which shall pass upon them and present them to the Tribal Council for final action.

SEC. 3. Vested property rights shall not be acquired or lost through membership in this organization except as provided herein.

ARTICLE III—THE GOVERNING BODY

See Amendment VII and Amendment IX

SECTION 1. The governing body of the Crow Creek Sioux Tribe shall be the Tribal Council.

SEC. 2. The Tribal Council shall be composed of ~~six~~ 5 members elected from the three districts of the Reservation as provided in Section 3. Meetings of the Tribal Council shall be held as provided in the By-laws.

SEC. 3. The Crow Creek Reservation shall be divided into three districts and two members of the Crow Creek Tribal Council shall be elected from each of these districts. One member from each district shall be of one-half or more Indian blood. The three districts of the Reservation are designated as follows:

BIG BEND:

This district shall consist of all that part of the reservation lying west of the Hyde-Hughes County line.

FORT THOMPSON:

Starting at the Northwest corner of T. 109 N., R. 73 W., thence south approximately 4 miles to the Missouri River, thence along the east bank of the Missouri River southward to the point where the east bank of the Missouri River intersects the section line common to Sections 15 and 16, T. 106 N., R. 71 W., (which for reference purposes will be called the one quarter corner between Sections 15 and 16, T. 106 N., R. 71 W.), thence due north from said one quarter corner along the section line to State Highway No. 34, which point of intersection would be the N. E. corner of Section 16, T. 107 N., R. 71 W., thence east along Highway No. 34 to the southwest corner of Section 9, T. 107 N., R. 70 W., thence north and west, following the reservation boundary to point of beginning.

CROW CREEK:

This district shall consist of the remainder of the Reservation.

SEC. 4. The Tribal Council shall elect from within its own number a Chairman, Vice-chairman, Treasurer, Sergeant-at-arms, and from within or outside of its own number a Secretary and such other officers and committees as may be necessary.

At the first election the candidate from each district receiving the highest number of votes shall be certified for the two-year term. The candidate receiving the next highest number of votes shall be certified for the one-year term unless both candidates are of less than one-half Indian blood in which case the candidate of one-half or more Indian blood receiving the highest number of votes shall be certified for the one-year term. Thereafter one member from each district shall be elected each year.

After the first election no member of less than one-half Indian blood shall be permitted to file as a candidate unless the Council member whose term does not expire is of one-half or more Indian blood.

Article IV—Nominations and Election

See Amendment VII

Section 1. The first election of a Tribal Council of six members under this Constitution shall be called and supervised by the Tribal Council as now constituted, within 30 days after the ratification of this Constitution and By-laws, and thereafter election of three Councilmen shall be held every year on the third Thursday in April.

Sec. 2. The term of office of each member of the Tribal Council shall be two years, except at the first election one member from each district shall be elected as provided in Article III, Section 4.

Sec. 3. The Tribal Council shall determine rules and regulations governing all elections following the State of South Dakota procedure as far as practicable.

Sec. 4. A member of the tribe wishing to be a candidate for the Tribal Council shall file his name in writing with the Secretary of the Tribal Council at least twenty days prior to the third Thursday in April. Names of all candidates filed must be posted in the respective districts at least fifteen days prior to the third Thursday in April. Elections shall be held on the third Thursday in April in a central place designated in each district by the Tribal Council. Voting shall be by secret ballot. [Qualifications of candidates shall be those prescribed in Article III, Section 4 and in the By-laws.]

Sec. 5. Any resident member of the tribe eighteen years of age at the time of election shall be eligible to vote.

Article V—Vacancies and Removal

See Amendment VIII

Section 1. If a Councilman or official shall die, resign, permanently leave the reservation, absent himself without just cause from at least three consecutive meetings, or be removed from office, the Council shall declare the position vacant and appoint a successor to

fill the unexpired term, provided that the person chosen to fill such vacancy shall be qualified.

SEC. 2. A vacancy in any elective office may be filled for the unexpired term at any regular meeting of the Tribal Council. The Tribal Council shall investigate complaints of misconduct in office of members of the Tribal Council or of any of its employees. The Tribal Council shall have power through resolution, after giving the accused a hearing, to remove him from office by the affirmative vote of four members and proceed to appoint a successor. The member appointed to fill a vacancy shall be a resident of the district in which the vacancy exists and shall be of the degree of Indian blood necessary to maintain representation as provided in Article III, section 4 of this Constitution.

ARTICLE VI—POWERS AND DUTIES OF THE TRIBAL COUNCIL

SECTION 1. The Council of the Crow Creek Reservation shall exercise the following powers, subject to any limitations imposed by the statutes or the Constitution of the United States, and subject further to all express restrictions upon such powers contained in this Constitution and the attached by-laws.

(a) To accept in the name of the tribe gratuities and subsidies and to negotiate and receive loans for economic purposes from the United States or other lending agencies for the benefit of the tribe, individual members of the tribe, or associations or groups of members of the tribe.

(b) To offer tribal income and other tribal property [except land] as security for loans obtained by the tribe from the Government or from other lending agencies.

(c) To make loans or grants of money, cattle, or other property to individual members or associations of members of the tribe under regulations and rules approved by it not inconsistent with law or regulations, and agreements under which the funds, cattle, or property are obtained.

(d) To negotiate with Federal, State, and local governments on behalf of the tribe and to advise and consult with representatives of the Interior Department on all activities of the Department that may affect the Crow Creek Sioux Tribe.

(e) To approve or veto any disposition, lease, or encumberances on tribal lands or other tribal assets which may be authorized or executed by the Secretary of the Interior, the Commissioner of Indian Affairs, or any other officials or agencies of the Government.

Changed by Amendment II Approved 2-25-63

(f) To adopt resolutions and ordinances subject to the approval of the Commissioner of Indian Affairs governing the management of all economic affairs and enterprises of the tribe, including tribal lands, tribal timber, tribal livestock enterprises, tribal community store, or any other tribal activity.

(g) To appropriate any available applicable tribal funds.

(h) To enact resolutions or ordinances not inconsistent with Article II of this Constitution governing adoption and abandonment of membership.

(i) To promulgate and enforce ordinances which shall be subject to the approval of the Commissioner of Indian Affairs governing the conduct of members of the Crow Creek Sioux Tribe, and providing for the establishment of a reservation court in defining its duties and powers.

(j) To employ legal counsel for the protection and advancement of the rights of the Crow Creek Tribe and its members, under contracts subject to the approval of the Commissioner of Indian Affairs.

(k) To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Crow Creek Reservation prior to the submission of such estimates to the Bureau of the Budget and to Congress.

(l) To make assignments of reservation land to members of the Crow Creek Sioux Tribe.

(m) To levy taxes upon members of the Crow Creek Tribe and to require the performance of community labor in lieu thereof, and to levy taxes or license fees, subject to the approval of the Commissioner of Indian Affairs upon non-members doing business within the Reservation.

(n) To exclude from the restricted lands of the Crow Creek Reservation persons not legally entitled to reside therein, under ordinances which shall be subject to the approval of the Commissioner of Indian Affairs.

(o) To purchase, under condemnation proceedings in courts of competent jurisdiction, land or other property needed for public purposes, subject to the approval of the Commissioner of Indian Affairs.

(p) To regulate the inheritance of property, real and personal other than allotted lands, within the territory of the Crow Creek Reservation, subject to the approval of the Commissioner of Indian Affairs.

(q) To regulate the domestic relations of members of the Tribe and to enforce school attendance.

(r) To provide for the appointment of guardians for minors and mental incompetents by ordinance or resolution, subject to the approval of the Commissioner of Indian Affairs.

(s) To delegate to subordinate boards or to cooperative associations which are open to all members of the Tribe any of the foregoing powers reserving the right to review any action taken by virtue of such delegated power.

(t) To convene general council meetings for the purpose of securing advice on matters of importance affecting the Tribe.

SEC. 2. *Future Powers*—The Council of the Crow Creek Tribe may exercise such further powers as may in the future be delegated to the Council by any duly authorized official or agency of government.

SEC. 3. *Reserved Powers*—Any rights and powers heretofore vested in the Tribe of the Crow Creek Reservation but not expressly referred to in this Constitution shall not be abridged by this article, but may be exercised by the people of the Crow Creek Reservation through the adoption of appropriate by-laws and constitutional amendments.

ARTICLE VII—BILL OF RIGHTS

SECTION 1. *Suffrage*—All members of the Tribe over the age of eighteen (18) shall have the right to vote in all reservation elections. The residence qualifications established by Article IV, Section 5 of this Constitution shall apply to all elections.

SEC. 2. *Economic Rights*—All members of the Tribe shall be accorded equal opportunities to participate in the economic resources and activities of the reservation.

SEC. 3. *Civil Liberties*—All members of the Tribe may enjoy without hinderance freedom of worship, conscience, speech, press, assembly, and association.

SEC. 4. *Rights of Accused*—Any member of the Crow Creek Tribe accused of any offense shall have the right to a prompt, open, and public hearing with due notice of the offense charged, and shall be permitted to summon witnesses on his own behalf. Trial by jury may be demanded by any prisoner accused of any offense punishable by more than thirty (30) days' imprisonment. Excessive bail shall not be required and cruel punishment shall not be imposed.

ARTICLE VIII—REFERENDUM

Upon a petition of at least one-half (½) of the eligible resident voters of the Crow Creek Tribe or upon the request of a majority of the Tribal Council, any enacted or proposed ordinance or resolution

of the Tribal Council shall be submitted to popular referendum and the vote of a majority of the resident qualified voters in such referendum shall be conclusive and binding on the Council.

Article IX—Land

Section 1. *Allotted Lands*—Allotted lands, including heirship lands, within the Crow Creek Reservation shall continue to be held as heretofore by their present owners. It is recognized that under existing law such lands may be condemned for public purposes, such as roads, public buildings, or other public improvements, upon payment of adequate compensation, by any agency of the State of South Dakota or of the Federal Government, or by the Tribe itself. It is further recognized that under existing law such lands may be inherited by the heirs of the present owner, whether or not they are members of the Crow Creek Sioux Tribe. Likewise it is recognized that under existing law the Commissioner of Indian Affairs, may, in his discretion, remove restrictions upon such land, upon application by the Indian owner, whereupon the land will become subject to State tax and may then be mortgaged or sold. The right of the individual Indian to hold or to part with his land, as under existing law, shall not be abrogated by anything contained in this Constitution, but the owner of restricted land may, with the approval of the Commissioner of Indian Affairs, voluntarily convey his land to the Crow Creek Sioux Tribe either in exchange for a money payment or in exchange for an assignment covering the same land or other land. In selling allotted or heirship land, owners are urged to give preference to buyers in the following order: first, the Tribe; second, a married Indian couple; third, a single Indian; fourth, an Indian married to a non-Indian; fifth, a non-Indian.

Sec. 2. *Tribal Lands*—The unallotted lands of the Crow Creek Reservation, and all lands which may hereafter be acquired by the Crow Creek Sioux Tribe or by the United States in trust for the Crow Creek Tribe shall be held as tribal lands, and no part of such land shall be mortgaged or sold. Tribal lands shall not be allotted to individual Indians but may be assigned to members of the Crow Creek Sioux Tribe, or leased, or otherwise used by the Tribe.

Sec. 3. *Leasing of Tribal Lands*—Tribal lands may be leased by the Tribal Council, with the approval of the Superintendent for such periods of time as are permitted by law.

In the leasing of tribal lands preference shall be given, first, to Indian cooperative associations and, secondly, to married Indian couples who are members of the Crow Creek Sioux Tribe; third, to a single Indian of the Tribe; fourth, to an enrolled Indian married to

a non-Indian; fifth, to non-Indians. No lease of tribal land to a non-member shall be made by the Tribal Council unless it shall appear that no Indian cooperative association or individual member of the Tribe is able and willing to use the land and to pay a reasonable fee for such use.

Grazing permits covering tribal land may be issued by the Tribal Council with the approval of the Commissioner of Indian Affairs, in the same manner and upon the same terms as leases.

SEC. 4. *Use of Unassigned Tribal Land*—Tribal land which is not assigned, including tribal timber reserves, shall be managed by the Tribal Council in accordance with Article VI, section 1 (f) for the benefit of the members of the entire tribe, and any cash income derived from such land shall accrue to the benefit of the tribe as a whole.

Changed by Amendment II Approved 6-21-61

SEC. 5. *Purchase of Land by the Tribe*—Available tribal funds may be used to acquire land under the following conditions:

(a) Land within the Crow Creek Reservation which is not now in Indian ownership may be purchased by or for the Crow Creek Tribe.

(b) Restricted land which is in heirship status at the time of the adoption and approval of this Constitution, may be purchased by or for the Tribe, with the consent of a majority of the adult heirs and the legal guardians of minor heirs, payment therefor to be made as may be agreed upon.

(c) Land in excess of one hundred and sixty (160) acres owned by any member of the Tribe may be purchased by the Tribe, with the consent of the owner, payments to be made under such terms as may be agreed upon.

(d) Land owned by any member of the Tribe who has left the reservation permanently or who desires to leave the reservation permanently may be purchased by the Tribe, under such terms as may be agreed upon.

ARTICLE X—AMENDMENTS

Amendments to this Constitution and By-laws may be ratified and approved in the same manner as this Constitution and By-laws. Whenever the Tribal Council by a vote of two-thirds of its members shall consider an amendment necessary, such amendment shall be sent to the Commissioner of Indian Affairs. It shall then be the duty of the Commissioner of Indian Affairs to call an election. If at such election the amendment is adopted by a majority vote of the adult resident members of the Tribe voting thereon in an election in which at least thirty per cent of those entitled to vote shall vote, such amendment shall be submitted to the Commissioner of Indian Affairs and if approved by him shall thereupon become effective.

BY-LAWS OF THE CROW CREEK SIOUX TRIBE

SECTION 1. *Chairman of the Tribal Council*—The Chairman of the Tribal Council shall preside over all meetings of the Tribal Council and the General Council, shall perform all duties of the Chairman, and exercise any authority delegated to him by the Tribal Council. He shall vote only in case of a tie.

SEC. 2. *Vice-Chairman of the Tribal Council*—The Vice-Chairman of the Tribal Council shall assist the Chairman when called upon to do so, and in the absence of the chairman, shall preside. When so presiding, he shall have all the rights, privileges, and duties, as well as the responsibilities, of the Chairman.

SEC. 3. *Secretary of the Tribal Council*—The Secretary of the Tribal Council shall conduct all tribal correspondence and shall keep an accurate record of all matters transacted at meetings of the Tribal Council and the General Council. It shall be his duty to submit promptly to the Superintendent of the Crow Creek Reservation and the Commissioner of Indian Affairs copies of all minutes of regular and special meetings of the Tribal Council and the General Council. When elected from without the membership of the Tribal Council, he shall not be entitled to vote.

SEC. 4. *Treasurer of the Tribal Council*—The Treasurer of the Tribal Council shall accept, receive, receipt for, preserve, and safeguard all funds in the custody of the Tribal Council, whether same be Tribal Funds or Special Funds, for which the Tribal Council is acting as trustee or custodian. He shall deposit all funds in such bank or elsewhere as directed by the Tribal Council, and shall make and preserve a faithful record of such funds, and shall report on all receipts and expenditures and the amount and nature of all funds in his possession or custody, such report being made in writing to the Council at the regular meetings and at such other times as requested by the Council.

It is provided further that the Superintendent may act, under proper resolution of the Tribal Council, as agent for the Tribe in collecting funds due to the Tribe. Upon making such collections, the Superintendent should issue a receipt on the regular office receipt form on behalf of the Tribe. Before paying out any money, the Superintendent should have an order for payment directed to him by the Tribal Treasurer and the Treasurer's order shall be supported by a resolution of the Council empowering him to approve bills for payment.

The Treasurer shall not pay out or otherwise disburse any funds in his possession or custody or in possession or custody of the Tribal

Council except when authorized to do so by resolution duly passed by the Tribal Council.

When in the opinion of the Tribal Council or the Commissioner of Indian Affairs, there are sufficient funds in the custody of the Tribal Council to warrant it, the Treasurer shall be required to give a bond satisfactory to the Tribal Council and the Commissioner of Indian Affairs.

The books and records of the Treasurer shall be audited at least once each year by a competent auditor employed by the Tribal Council or by a Federal employee approved by the Commissioner of Indian Affairs and at such other times as the Tribal Council or the Commissioner of Indian Affairs shall direct.

All tribal financial records shall be considered public records and shall be open for inspection to any member of the Tribe at any reasonable time.

SEC. 5. *Sergeant-at-Arms*—There shall be a Sergeant-at-Arms, appointed by the Chairman, whose duty it shall be to maintain order within the Council Chamber and perform such other duties as may be designated by the Tribal Council. He shall serve all summons emanating from the Tribal Council, and shall make proper return on the same.

SEC. 6. *Appointive Officers*—The duties of all appointive boards or officers of the community shall be clearly defined by resolutions of the Tribal Council at the time of their creation or appointment. Such boards and officers shall report, from time to time as required, to the Tribal Council and their activities and decisions shall be subject to review by the respective Council upon the petition of any person aggrieved.

ARTICLE II—DUTIES OF MEMBERS

It shall be the duty of each member of the Tribal Council to make reports to the districts from which he was elected, concerning the proceedings of the Tribal Council.

ARTICLE III—QUALIFICATIONS OF COUNCILMEN

In addition to the qualifications prescribed in Article III, Section 4, no person shall be a candidate for membership in the Tribal Council unless he shall be an enrolled member of the Crow Creek Sioux Tribe, residing on the reservation, in the district of his candidacy, and be of voting age.

No person shall be eligible for membership in the Tribal Council who has ever been convicted of a felony, or misdemeanor within the year preceding the election.

No person shall be a candidate who is a regular Civil Service employee of the Federal Government.

Changed by Amendment III approved 6-21-61

Article IV—Certification of Election

It shall be the duty of the members of the Tribal Council or board appointed by them to certify to the election of the duly elected Tribal Council members. This certification shall take place at the time of the election.

Article V—Installation of Councilmen

Newly elected members who have been duly certified shall be installed at the first regular meeting of the Council following the election, upon subscribing to the following oath: "I, ————————, do hereby solemnly swear (or affirm) that I shall preserve, support, and protect the Constitution of the United States and the Constitution and By-laws of the Crow Creek Sioux Tribe, and execute my duties as Councilman to the best of my ability, so help me God."

Article VI—Salaries

The Tribal Council may prescribe such salaries of officers, boards or members of the Tribal Council as it deems advisable, from such funds as may be available and applicable.

Article VII—Time and Place of Meetings

Section 1. The regular meetings of the Tribal Council of six members shall be held once each month at Fort Thompson. The day of the month and the opening hour of the meeting shall be left to the discretion of the Tribal Council. A quorum of the Tribal Council shall consist of four members.

Sec. 2. Meetings of the General Council shall be called by the Chairman of the Tribal Council or upon written request of five members of the Tribal Council or upon a petition signed by at least ten per cent of the eligible resident voters of the Tribe. Notice of such meetings shall be posted in at least six places at least 10 days before such meeting is to take place. The Chairman of the Tribal Council shall cause such notices to be posted. Twenty per cent of the eligible voters of the Tribe shall constitute a quorum.

Sec. 3. *Order of Business*—The following order of business is established for all the meetings and should be followed as far as practicable.

(1) Call to order by the Chairman
(2) Invocation by Chaplain or whoever may be designated by the Chairman
(3) Roll Call
(4) Ascertainment of quorum

(5) Reading the minutes of the last meeting
(6) Adoption of the minutes by vote or common consent
(7) Report of committees
(8) Unfinished business
(9) New business
(10) Adjournment

SEC. 4. *Ordinances and Resolutions*—All final decisions of the Tribal Council on matters of general and permanent interest to the members of the Tribe shall be embodied in ordinances. Such ordinances shall be collected and published from time to time for the information and education of the members of the Tribe.

All final decisions of the Tribal Council on matters of temporary interest (such as, action on the reservation budget for a single year, or petitions to Congress or to the Secretary of the Interior) or relating especially to particular individuals or officials (such as adoption of members, instructions for tribal employees or rules of order for the Council) shall be embodied in resolutions. Such resolutions shall be recorded and filed in such a manner that will facilitate their use for public inspection.

All questions of procedure (such as acceptance of committee reports or invitations to outsiders to speak) shall be decided by motion duly passed or by the ruling of the Chairman, if no objection is heard.

In all ordinances, resolutions, or motions the duly elected councilmen may enact by a majority vote, but all matters of importance shall be fully discussed and a reasonable attempt shall be made to secure unanimous agreement.

SEC. 5. *Legislative Forms*—Every ordinance shall begin with the words: "Be it enacted by the Tribal Council of the Crow Creek Sioux Tribe . . . . . ."

Every ordinance or resolution shall contain a recital of the laws of the UNITED STATES and the provisions of the Crow Creek Sioux Tribal Constitution under which authority for the said ordinance or resolution is found.

ARTICLE IX—ADOPTION

This Constitution and By-laws attached hereto shall be in full force and effect whenever a majority of the eligible resident voters of the Crow Creek Sioux Tribe, voting at an election, called by the Commissioner of Indian Affairs, in which at least thirty percent (30%) of the eligible resident voters shall vote, by secret ballot at the designated precincts, shall have ratified this Constitution and By-laws, and shall be submitted to the Commissioner of Indian Affairs for his approval, and shall be effective from the date of such approval.

CERTIFICATION OF ADOPTION

Pursuant to an order approved December 8, 1948, by the Commissioner of Indian Affairs, the attached Constitution and By-laws of the Crow Creek Sioux Tribe of the Crow Creek Reservation, Fort Thompson, South Dakota, was submitted for ratification to the Indians of the Crow Creek Reservation and was on March 11, 1949, duly adopted by a vote of 168 for, and 76 against, in an election in which over thirty per cent of those entitled to vote cast their ballots.

VERNON L. ASHLEY
Chairman, Crow Creek Sioux Tribal Council
ROBERT PHILBRICK
Secretary, Crow Creek Sioux Tribal Council
FRELL M. OWL
Superintendent, Crow Creek Agency

Tribal Relations
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UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON 25, D. C.

MR. FRELL M. OWL, APRIL 26, 1949.
Supt., Crow Creek Agency

DEAR MR. OWL:

In accordance with Office letter of December 8, 1948, the Crow Creek Sioux Tribe of South Dakota held an election on March 11, 1949, on the matter of the adoption or rejection of a proposed Constitution and By-laws. The certification indicates that in this election more than a majority of those voting cast votes in favor of the Constitution and at least 30 per cent of the eligible voters of the tribe participated in the election. It is apparent, therefore, that the document was duly ratified by the qualified voters of the Tribe.

As required in Article IX of the By-laws, I am hereby approving the Constitution and By-laws of the Crow Creek Sioux Tribe of Fort Thompson, South Dakota, whereupon it becomes effective as the official document of the Tribe. I am returning the original to you for safekeeping. Great care should be exercised in protecting this original document.

Sincerely yours,

WILLIAM ZIMMERMAN, JR.,
Assistant Commissioner

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AMENDMENTS
CONSTITUTION AND BYLAWS
of the
CROW CREEK SIOUX TRIBE
of the
CROW CREEK RESERVATION, SOUTH DAKOTA

AMENDMENT I

Article III, Section 2(c), as follows, shall be repealed:

> Sec. 2(c). Any person of Indian blood who is a descendant of any member may be admitted to membership by a majority vote of the Tribal Council.

AMENDMENT II

Article IX, Section 5, of the constitution shall be repealed and a new section substituted as follows:

> Sec. 5. Purchase of land by the tribe. The Tribal Council shall have the power as authorized by law, subject to approval by the Secretary of the Interior or his authorized representative, to purchase or otherwise acquire lands or interests in lands, within or without the Reservation.

AMENDMENT III

Article III of the bylaws shall have the second full paragraph repealed and a new paragraph substituted as follows:

> No person shall be eligible for membership on the Tribal Council who has satisfied the judgment of conviction for a felony in any federal, state or tribal court of competent jurisdiction within two (2) years preceding the date of election.

CERTIFICATION OF ADOPTION

Pursuant to an election called for that purpose by Resolution No. CC-61-2-6 of the Crow Creek Sioux Tribal Council, the attached amendments to the Constitution and Bylaws of the Crow Creek Tribe of the Crow Creek Reservation, South Dakota, were submitted for ratification to the qualified voters of the reservation, and were submitted for ratification to the qualified voters of the reservation, and were on April 20, 1961, duly adopted by a vote of 136 for and 72 against Amendment I; 161 for and 42 against Amendment II; and 139 for and 63 against Amendment III, which was a majority vote of the qualified voters voting in said election as required by Article X of the Crow Creek Constitution.

(sgd) Robert Fallbrick, Chairman
Crow Creek Sioux Tribal Council

(sgd) Abel Red Moccasin, Secretary
Crow Creek Sioux Tribal Council

(sgd) Owen D. Morken, Superintendent
Pierre Agency, Pierre, South Dakota

APPROVAL

I, John O. Crow, Acting Commissioner of Indian Affairs, United States Department of the Interior, do hereby approve the attached amendments to the Constitution and Bylaws of the Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota.

(sgd) John O. Crow
Acting Commissioner of Indian Affairs

June 21, 1961

AMENDMENT
CONSTITUTION AND BYLAWS
of the
CROW CREEK SIOUX TRIBE
of the
CROW CREEK RESERVATION, SOUTH DAKOTA

AMENDMENT I *

Article IX, Section 2 of the constitution of the Crow Creek Sioux Tribe is amended to read:

> Sec. 2. The unallotted lands of the Crow Creek Reservation, and all lands which may hereafter be acquired by the Crow Creek Sioux Tribe or by the United States in trust for the Crow Creek Tribe shall be held as tribal lands, and no part of such land shall be mortgaged or sold except as authorized by law. Tribal lands shall not be allotted to individual Indians but may be assigned to members of the Crow Creek Sioux Tribe, or leased, or otherwise used by the Tribe.

(sgd) James E. Officer
Associate Commissioner of Indian Affairs

February 25, 1963

* This should actually be Amendment IV as tribe had three previous amendments.

This amendment was adopted by the tribal members at an election held January 7, 1963, by a vote of 117 for and 29 against. Election results were certified by Robert Fallbrick, Chairman, Crow Creek Sioux Tribal Council and Wendell Isburg, Secretary.

Associate Commissioner approved by letter dated February 25, 1963.

AMENDMENT
CONSTITUTION AND BYLAWS
of the
CROW CREEK SIOUX TRIBE
of the
CROW CREEK RESERVATION, SOUTH DAKOTA

AMENDMENT XX *

Article VI, Section 1(b) of the constitution of the Crow Creek Sioux Tribe is amended to read:

> Section 1(b). To offer tribal income and other tribal property as security for loans obtained by the Tribe from the Government or from other lending agencies.

(sgd) James E. Officer
Associate Commissioner of Indian Affairs

February 25, 1963

* This should actually be Amendment V as tribe had four previous amendments.

This amendment was adopted by the tribal members at an election held January 7, 1963 by a vote of 104 for, and 42 against. Election results were certified by Robert Philbrick, Chairman, Crow Creek Sioux Tribal Council, and Wendell Isburg, Secretary.

Associate Commissioner approved by letter dated February 25, 1963.

AMENDMENT
TO THE
CONSTITUTION AND BYLAWS
OF THE
CROW CREEK SIOUX TRIBE
SOUTH DAKOTA

AMENDMENT X

Article V shall be amended as follows:

ARTICLE V - VACANCIES, REMOVAL AND RECALL

SECTION 1. If a Councilmember shall die, resign, permanently leave the reservation, absent himself without just cause from at least three consecutive regular or special meetings, or be removed from office, the Council shall declare the position vacant and appoint a successor to fill the unexpired term. The vacancy may be filled at any regular meeting of the Tribal Council, provided the person appointed shall be a resident of the district in which the vacancy exists and meets all the requirements for a councilmember. If a councilmember moves out of the district he represents, he shall automatically forfeit his office.

SEC. 2. If the office of Chairman becomes vacant before the expiration of the term and if less than one (1) year of the term remains, the Vice-Chairman shall fill the unexpired term unless the Tribal Council in its discretion orders a special election, or, if one year or more of the term remains, the Tribal Council shall order a special election to be held within thirty (30) days after the date of the vacancy.

SEC. 3. Procedures for the recall of a member of the Tribal Council may be initiated by the filing with the Tribal Council of a petition setting forth specific charges as enumberated in Section 5 against the official bearing the signatures of no less than 51% of the qualified voters voting in the last general election from the official's district or the reservation at large in the case of the Chairman or Vice-Chairman. Upon receipt of such petition the Tribal Council shall, within five (5) days, notify the official of the charges against him and provide him no less than ten (10) days to respond to such charges in writing. The Tribal Council, no less than five (5) days after receipt of the accused official's reply to the charges, shall conduct a hearing on the recall petition in the official's district or the reservation at large as appropriate. If the charges so warrant, the Tribal Council shall then give notice of election. The election notice shall set forth the charges and the official's reply to them and shall be posted in the tribal office and in each district at least thirty (30) days before the election.

If the official is recalled from office in the election, the vacancy shall be filled under Sections 1 or 2 of this Article. An official shall not be subjected to more than one recall election during each term of office. Any official removed by recall shall not be appointed to tribal office for employment in a supervisory capacity or position of trust for the remainder of the term of office from which he was removed.

For all purposes herein, the Tribal Chairman and Vice-Chairman is considered a member of the Tribal Council.

SEC. 4. If the Chairman or a Councilmember is convicted of a felony during his term of office, he shall automatically forfeit his office.

SEC. 5. Code of Ethics for all elected or selected officials of the Crow Creek Sioux Tribe. Gross neglect and improper conduct of Article V - Vacancies, Removal and Recall from office shall be interpreted by the Tribal Council in accordance with these definitions.

A. GROSS NEGLECT - As evidenced through any or all of the following:

1. Gross incompetency: Unable or unwilling to perform the duties of the office.
2. Failure to assign through payroll deduction any debt owed to the tribe.
3. Choosing not to act on legitimate business such as petitions on a timely basis by tabling action; in effect the people are put down by such action.
4. Abandonment of Office: Not attending three consecutive regular meetings or moving out of the area of district elected from.

B. IMPROPER CONDUCT - Determined by Tribal Council.

1. Misuse of office: Unauthorized personal use of tribal equipment, manpower or materials.
2. Public conduct so as to question the integrity of the Crow Creek Sioux Tribe. Conduct such as public intoxication as observed by the public; or convictions by legal courts.
3. Converting tribal property or monies without authorization through omission or misrepresentation of facts.
4. Malfeasance of office: Including gross partiality or oppression.

C. IMPROPER CONDUCT - Convictions by Crow Creek Sioux Tribal Court.

1. If the Chairman or a councilmember is convicted of a felony during his term of office, he shall automatically forfeit his office.

2. Three misdemeanor convictions within a twenty-four (24) month period.

3. Crimes in office: Corruption, extortion, fraudulent claims for compensation such as salary, mileage and per diem during an unexcused absence or an unaccountable period of time.

4. Contempt of court.

5. Any misdemeanor, including but not limited to malicious mischief, statutory rape, hit and run, assault, battery or assault and battery.

6. Driving while under the influence of alcohol twice in a twenty-four (24) month period.

CERTIFICATE OF RESULTS OF ELECTION

Pursuant to an Amendment Election requested by the Tribal Council, authorized by the Aberdeen Area Director November 6, 1985, the attached Amendment 1 was submitted to the adult members entitled to vote on January 8, 1986, was duly (adopted) (~~rejected~~) by a vote of 221 for, 147 against and 2 cast ballots found spoiled or mutiliated in an election in which at least thirty (30) percent of the 650 members entitled to vote, cast their ballot in accordance with Article X of the Crow Creek Sioux Tribal Constitution.

[illegible]

Roxanne Wright

[illegible]

Bernice Gon

Date: January 5th 1986

APPROVAL

I, Jerry L. Jaeger, Area Director of the Aberdeen Area Office, Bureau of Indian Affairs, by virtue of the authority granted to me by 10 BIAM 3.1, do hereby approve the attached Amendment XI to Article II, to the Constitution and Bylaws of the Crow Creek Sioux Tribe.

(Sgd) Jerry L. Jaeger
Area Director

Aberdeen Area Office
Aberdeen, South Dakota

Date: FEB 04 1986

AMENDMENT
TO THE
CONSTITUTION AND BYLAWS
OF THE
CROW CREEK SIOUX TRIBE
SOUTH DAKOTA

AMENDMENT XI

Article II Shall be amended as follows:

ARTICLE II - MEMBERSHIP

SECTION 1. All persons of Indian blood whose names appear on the official roll of the Crow Creek Reservation as of October 3, 1962, and all persons enrolled as members between that date and the effective date of this amendment shall be members of the tribe, provided, that the Tribal Council shall have the power to enroll any person who meets the qualification listed under Section 2.

SEC. 2 (a) Any child of one-fourth (1/4) or more Indian blood, born between October 3, 1962, and the effective date of this amendment to any member who resided on the reservation at the time of the child's birth shall be entitled to membership. (Amendment VI, June 23, 1980)

(b) Any child of one-half (1/2) or more Indian blood born to any member of this Tribe shall be entitled to membership regardless of his parents' residence.

(c) Any child of one-fourth (1/4) or more Sioux Indian blood born to any member of the tribe shall be entitled to membership by a majority vote of the Tribal Council.

(d) Applications for membership shall be submitted by the applicant or his parent or guardian to a Committee on Membership, which shall pass upon them and present them to the Tribal Council for final action.

SEC. 3. Vested property rights shall not be acquired or lost through membership in this organization except as provided herein.